

AN ACT

relating to the authority of an advanced practice registered nurse or physician assistant to sign a death certificate in limited situations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 193.005, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) A person required to file a death certificate or fetal death certificate shall obtain the required medical certification from the decedent's [an] attending physician, or, subject to Subsection (a-1), a physician assistant or advanced practice registered nurse of the decedent, if the death occurred under [medical attendance for] the care of the person in connection with the [and] treatment of the condition or disease process that contributed to the death.

(a-1) A physician assistant or advanced practice registered nurse may only complete the medical certification for a death certificate or fetal death certificate under this section if:

(1) a patient who has executed a written certification of a terminal illness has elected to receive hospice care and is receiving hospice services, as defined under Chapter 142, from a qualified hospice provider; or

(2) a patient is receiving palliative care.

1 (b) The attending physician, physician assistant, or
2 advanced practice registered nurse shall complete the medical
3 certification not later than five days after receiving the death
4 certificate.

5 (c) An associate physician, the chief medical officer of the
6 institution where the death occurred, or the physician who
7 performed an autopsy on the decedent may complete the medical
8 certification if:

9 (1) the attending physician, the physician assistant,
10 and the advanced practice registered nurse described by Subsection
11 (a) are ~~is~~ unavailable;

12 (2) the attending physician, the physician assistant,
13 or the advanced practice registered nurse described by Subsection
14 (a) approves; and

15 (3) the person completing the medical certification
16 has access to the medical history of the case and the death is due to
17 natural causes.

18 SECTION 2. Section 671.001(d), Health and Safety Code, is
19 amended to read as follows:

20 (d) A registered nurse, including an advanced practice
21 registered nurse, or physician assistant may determine and
22 pronounce a person dead in situations other than those described by
23 Subsection (b) if permitted by written policies of a licensed
24 health care facility, institution, or entity providing services to
25 that person. Those policies must include physician assistants who
26 are credentialed or otherwise permitted to practice at the
27 facility, institution, or entity. If the facility, institution, or

1 entity has an organized nursing staff and an organized medical
2 staff or medical consultant, the nursing staff and medical staff or
3 consultant shall jointly develop and approve those policies. The
4 executive commissioner of the Health and Human Services Commission
5 shall adopt rules to govern policies for facilities, institutions,
6 or entities that do not have organized nursing staffs and organized
7 medical staffs or medical consultants.

8 SECTION 3. Section 671.002(a), Health and Safety Code, is
9 amended to read as follows:

10 (a) A physician who determines death in accordance with
11 Section 671.001(b) or a registered nurse, including an advanced
12 practice registered nurse, or physician assistant who determines
13 death in accordance with Section 671.001(d) is not liable for civil
14 damages or subject to criminal prosecution for the physician's,
15 registered nurse's, or physician assistant's actions or the actions
16 of others based on the determination of death.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 919 passed the Senate on May 4, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 919 passed the House on May 24, 2017, by the following vote: Yeas 144, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor